

**COMMITTEE ON PLANNING & DEVELOPMENT**  
**(Standing Committee of Berkeley County Council)**

Chairman: Mrs. Judith K. Spooner, District No. 2

Members: Mr. Milton Farley, District No. 1  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mr. Steve M. Vaughn, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr. District No. 7  
Mr. Henry L. Richardson, Jr., District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

The COMMITTEE ON PLANNING & DEVELOPMENT met on Monday, April 15, 2002, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:03 p. m.

PRESENT: Mrs. Judith K. Spooner, Councilmember District No. 2, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, Jr., ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk to County Council..

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Committee meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the media, and all interested citizens.

Chairman Spooner called the meeting to order; and Councilmember Pinckney gave the invocation.

Chairman Spooner asked the Committee's pleasure on the approval of Minutes for March 18, 2002.

It was moved by Councilmember Farley and seconded by Councilmember Mims to approve the minutes as stated. The motion passed by unanimous voice vote of the Committee.

Chairman Spooner entertained a motion to go into Executive Session to discuss legal advice and personnel matters.

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to go into Executive Session for the reason stated. The motion passed by unanimous voice vote of the Committee.

The Committee went into Executive Session at 6:06 p.m. and returned at 6:32 p.m.

Mr. Stokes stated the Committee went into Executive Session to discuss matters as stated in the motion and no action was taken.

Chairman Spooner stated the only item on the agenda was Review prior to Second Reading of Bill No. 02-09, an Ordinance to amend and clarify sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, - "Berkeley County Zoning Ordinance" and to repeal in its entirety Ordinance No. 99-4-19.

Chairman Spooner asked Ms. Madelyn Robinson of Planning and Zoning to come forward and indicated the Committee had in their folder a list of the items they worked on in the past. She stated there were some suggestions from Staff, the Planning Commission, and some members of Council who have some changes they would like to propose.

Ms. Robinson stated Staff discussed the amendments last week after they had mailed out the copy that was included in Council's packets. They had some concerns and the changes are reflected in the handouts given to them this evening under Article 7.4, Light Industrial District; Article 7.5, Heavy Industrial District; and Article 19, General Provisions. She stated this is in regard to fencing around Outdoor Storage or Screening. There is a concern that some areas already have chain link fencing in place and wanted to modify it to create an opaque appearance. So, they changed the wording to include chain link with opaque slats as opposed to opening up to other undesirable materials.

Supervisor Rozier asked were there any provisions that these slats would be maintained? Chairman Spooner stated provisions would also need to be put in about the wood fences as well because there are some that have started to rot. Ms. Robinson stated they could add that provision.

Ms. Robinson stated next was Section 19.5, Nonconforming Land Uses and Lots. Under Subsection 3, they tried to address as many concerns as possible but failed to improve the language sent to Council last week. So, they are proposing to delete all of Subsection 3, and allow 1, 2, and 4 to stand. They feel that would address all concerns regarding Legal Nonconforming Uses.

Councilmember Crosby stated his concern was that if someone's home or trailer were destroyed they would have no place to live. Ms. Robinson stated that as long as they replace it within 12 months and it is not changed to another nonconforming use, and not altered or enlarged, they certainly could do that.

Chairman Spooner stated they are discussing R-1 and R-1R. She has had one person to contact her about continuing to put a mobile home in R-1. Other conversation was that if there were an area that is R-1 and a mobile home is destroyed, they would like to see it not replaced. Chairman Spooner stated she does not have a problem with any area in the County except R-1 in regard to a mobile home being replaced.

Ms. Robinson stated that if they delete #3 it would allow replacement of a mobile home if it's within the 12 months. Chairman Spooner stated, what if they pass this and two to three months from now someone loses their mobile home to fire and they want to replace it with a larger mobile home? Ms. Robinson stated they couldn't do that; it has to be the same size.

Councilmember Vaughn stated that problem arose when people had an older 12 X 60 mobile home; that size home is no longer available. If they don't allow for a larger unit then this is saying you want the resident to find a 20-year old mobile home to put back in the place of the one that was destroyed. Ms. Robinson stated they couldn't possibly address every concern in the Zoning Ordinance.

Ms. Robinson stated in R-1, there are 225 properties throughout the entire County with mobile homes on them. The intent of the Zoning Ordinance is to bring the properties into compliance. Chairman Spooner stated that if there were two to three thousand homes she would say that maybe they need to take a good look at this but if there are 225 properties that are in R-1 with mobile homes, she thinks this should be the place where they stop it.

Councilmember Vaughn stated that if they are going to limit the size, it's better that they take Chairman Spooner's recommendation because unfortunately, they are going to force people to buy an old dilapidated home as a replacement.

Councilmember Richardson stated to limit the size would be a bit much because the property owner has no control if the manufacturer does not make the same size homes. If they are going to allow mobile homes then it should be just that; if they are able to go a size larger then so be it.

Chairman Spooner asked where were the 225 lots located? Ms. Robinson stated they are scattered throughout the County.

Councilmember Mims stated she received a few calls from constituents indicating they did not want mobile homes in R-1. Mr. LeaMond stated that only one percent of the total mobile homes in Berkeley County are in an area that's grandfathered R-1; 99 percent are in areas that are R-2 or Flex 1. This is a miniscule amount of mobile homes and they are all primarily in the urban area from Goose Creek up to Summerville and Moncks Corner.

Councilmember Richardson stated that maybe they could word it so the mobile home could be replaced. For example, if the manufacturer stopped making the 15' X 70' and went to a 16' X whatever, then that should be acceptable.

Chairman Spooner stated that if it were countywide she could see them bending, but this is affecting very few people.

Councilmember Richardson stated these people were existing residents of these areas when zoning came into place. When other residents moved into these areas and decided they wanted it to be R-1, then the existing residents had no choice but to go along with that. He stated he thinks that it's unjust to those persons that were living there.

Chairman Spooner stated there were some areas of the County that were residential but because there were no zoning a few of these mobile homes crept in.

Councilmember Crosby stated he didn't care where it was in the district or the County, if a person's home is destroyed how can you tell a man that he cannot put it back. If they can't afford a home then they can't.

Supervisor Rozier stated they could probably word it to say, "a home that's available on the market closest to the size of the home destroyed."

Councilmember Pinckney stated he concurs with Councilmember Crosby because when a home is destroyed the people may not have the funds to buy property elsewhere. "What are you going to do, kick them out on the streets?" Councilmember Vaughn stated that he has never seen Council kick anyone out.

Councilmember Farley asked were there any 10' X 30' homes out there? Mr. LeaMond stated that's a contemporary size, there are 10' wides that have been out there for the last 20 years. The most narrow single-wide is 12-14 feet.

Councilmember Richardson stated that in his district when zoning came into play, an entire section of the community was zoned R-1 and the people that lived in the mobile home section did not realize that their properties were included. When one resident was in the process of setting up a mobile home on the property they inherited from their family they were told it was not zoned for that. He stated he could not support a person not being able to replace their mobile home.

Chairman Spooner stated in reference to the area Councilmember Richardson addressed, that area should not have been R-1. It was R-1 because it backed up to another area that was R-1. Councilmember Richardson stated that is exactly what he is trying to protect. There are people who are unaware of when Zoning reclassifications take place.

Councilmember Crosby stated this was a rural county and all of a sudden we have changed to zoning all over the County. They need to be fair to the people that existed before zoning. He stated he would definitely not want a mobile home in his subdivision but if it was there before zoning then he would have to live with it because he doesn't think they should be kicked out of their homes.

Ms. Robinson stated with the deletion of #3 they would still be able to replace the home, except they would have other conditions they would have to meet. It gives some without taking away all.

Councilmember Vaughn stated they may have to go with Supervisor's Rozier suggestion and allow the resident to go to the next size. Supervisor Rozier stated that whatever the smallest size that is available on the market is what it should be.

Chairman Spooner asked that they locate the 225 properties because some of the areas may not need to be R-1. However, there are a few areas where the people want this protection.

Supervisor Rozier stated it would be great to find out exactly where these home are before they make a final decision.

Councilmember Mims stated the complaints she was getting is that they were moving in. Supervisor Rozier stated they would not be allowed to move in.

Councilmember Richardson asked if an area is zoned R-2 and they decided to change the entire area to R-1, would they be able to grandfather the mobile home? Ms. Robinson stated yes, but it becomes a legal nonconforming use at that time. Councilmember Richardson stated if there are 50 homes, 40 say let's zone to R-1, the one or two persons with the mobile home is out. It's a matter of vote and they are not protected.

Councilmember Vaughn stated he worked hard to get zoning passed through his district and consequently through the rest of the County. It was never his intent to have the people who lived in existing units to move. It was to control the future growth. If all they have is 225 properties that are nonconforming they could certainly allow for something for them to stay in those areas.

Mr. Metts suggested that he and his Staff come back with where the 225 properties are and some possible language to address a home that is no longer manufactured to allow them to go to the next size that is available.

Councilmember Vaughn suggested that when they have located those 225 it may be something they could change the zoning to, then when the modification is made it would affect a lot less people.

Chairman Spooner stated they would leave #3 as is with the line through.

Ms. Robinson stated there are a couple of options given for storage containers under Article 23.

Chairman Spooner stated that they should allow storage containers in certain classifications with some restrictions so they could be monitored. In reference to the storage Ms. Robinson referred to for grain, there may be places where the property owner has several acres

of land and could be used. She stated that as long as there are regulations where the land doesn't become a container yard.

Councilmember Pinckney stated he concurs with Option 2 to allow in F-1 or LI and that it be tied down.

Ms. Robinson stated they would provide some language for a mixed use with regulations and restrictions.

Mr. LeaMond stated they looked at the height restriction so it won't be 5-6 containers high as some of the other districts. We don't allow structures over 35-ft. in any of the residential categories. They might want to say that if it's going to be stored at a storage yard in Light or Heavy Industrial that the maximum height be 3 boxes and no higher than 35 feet.

The Committee agreed to make the maximum storage (3/35) three boxes and 35-feet.

Chairman Spooner asked Mr. LeaMond about the request made at the Regular Council Meeting in Hanahan regarding owning a domestic pig as a house pet. Mr. LeaMond stated he checked with the local jurisdictions, Charleston, Dorchester County, City of Charleston, North Charleston, Summerville, Goose Creek, and the only one that would allow a swine as a pet was the Town of Moncks Corner.

Chairman Spooner stated our Ordinance does not allow it and she told the owner that she would bring it before this Committee for discussion. Councilmember Vaughn asked could it be a 450-lb pig? Mr. LeaMond stated it could be any type animal as long as you call it a pet.

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adjourn. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 7:00 p.m.

May 13, 2002  
Date Approved

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Mr. Caldwell Pinckney, Jr., District 7  
Mr. Henry L. Richardson, Jr., District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A meeting of the COMMITTEE ON PLANNING AND DEVELOPMENT, Standing Committee of Berkeley County Council, will be held on Monday April 15, 2002, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, at 6:00 p.m.

**AGENDA**

Approval of Minutes

March 18, 2002

- A. Review prior to Second Reading of Bill No. 02-09, an Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, – “Berkeley County Zoning Ordinance” and to repeal in its entirety Ordinance No. 99-4-19.

April 10, 2002  
S/Barbara B. Austin